IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

RP.No. 45 of 2007(I)

THE JUDGEMENT IN WPC.28020/2006 Dated 14/12/2006
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REVIEW PETITIONER/1ST RESPONDENT

THE CHALAKKUDY MUNICIPALITY,
REPRESENTED BY ITS SECRETARY,
MUNICIPAL OFFICE, CHALAKKUDY, THRISSUR DISTRICT.

BY ADV. SRI.M.P.ASHOK KUMAR

RESPONDENTS: PETITIONER/2ND RESPONDENT

1.KURILAND (P) LIMITED, REPRESENTED BY
ITS MANAGING DIRECTOR, E.A.JOHNY,
KURILAND TOWER, MARAR ROAD, THRISSUR.

2.STATE OF KERALA, REP. BY THE
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

R2 BY GOVERNMENT PLEADER MR.MATHEW G.VADAKKEL
R1 BY ADV. SRI.S.RAMESH BABU

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 19/01/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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R.P.No.45 of 2007 in W.P.(C)No.28020 of 2006

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Dated: 19th January, 2007

ORDER

Heard both sides.

2. The prominent ground on which my judgment dated 14.12.2006 is sought to be reviewed by the Municipality is that the said judgment proceeds on the basis that no counter affidavit has been filed by the Municipality. Mr.M.P.Ashok Kumar, Counsel for the Municipality would submit that as a matter of fact, counter affidavit dated 6.12.2006 had been filed on 12.12.2006 itself, i.e. at least two days prior to the date on which the judgment was passed by me. The counter affidavit dated 6.12.2006 is now on file and the learned counsel is certainly right in submitting that he had filed the same on 12.12.2006. Accordingly, my judgment dated 14.12.2006 is recalled. I have heard both sides again. The Review Petition will stand allowed and the Writ Petition is being disposed of by a separate judgment today.

srd **PIUS C.KURIAKOSE, JUDGE**